

REMARKS

Claims 1-44 are pending. It is respectfully submitted no new matter has been added by the above amendments.

Claims 4-23, and 26-42 have been withdrawn from consideration as being directed to non-elected subject matter. However, upon allowance of claims 1, 24, and 43, Applicant respectfully requests examination of the remaining species.

Although the cover sheet of the Office action indicated Claim 44 as withdrawn, it is the subject of a 112 rejection. This it appears Claim 44 was not actually withdrawn.

Independent claims 1 and 24 have been amended to recite the bypass section (5) is positioned as the proximal end of the guide catheter (4), and the bypass section (5) and the valve unit (1) have a length that is greater than the distance between the distal end of the instrument and the point of exit 14, i.e., the point at which the guide wire (12) proximally emerges from the guide shaft (13). Support for these features can be found in the specification at page 13, lines 6 and 7 of the final paragraph, and page 14, lines 1-3 of the first paragraph, and page 14, lines 3-6 of the third paragraph.

Claims 1 and 24 have also been amended to recite the instrument (10) is connected to the guide shaft (13) into which the guide wire (12) is inserted, the guide wire emerging from the guide catheter at a proximal point of exit and from a distal end of the instrument, a distal end of the instrument being distal to the distal end of the guide shaft. This is supported at page 13, last paragraph and Fig. 1.

Claims 1 and 24 have also be corrected to recite, "the length of the hydraulic bypass section having the larger cross section corresponds to at least the length of the section of the instrument having the largest cross section." It is respectfully submitted this is supported at page 2, last paragraph.

Claims 3 and 25 have been amended to recite a feature supported at page 13, last paragraph.

Applicant additionally thanks the Examiner for indicating the presence of allowable subject matter in claim 43. As claim 44 depends from claim 43, Applicant respectfully submits claim 44 additionally recites allowable subject matter.

Claim Objections

Claims 1, 24 and 25 have been amended in accordance with the Examiner's suggested corrections of informalities.

35 USC § 112, second paragraph

Claims 24, 25, 43 and 44 stand rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim that which is considered the invention. In response, claims 24 and 43 have been amended to include transitional phrases, and to more positively set forth claim features.

35 USC § 103(a)

Claims 1-3, 24 and 25 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over McNamara et al. (U.S. Patent no. 5,624,396) in view of Cohen et al. (U.S. Patent No. 5,167,239). The Office Action asserts McNamara et al. teaches each feature of the claims, except for "a guide wire with a largest cross section," for which purpose Cohen et al. is apparently cited.

However, in light of the above-amendments, reconsideration is respectfully requested. Specifically, amended claims 1 and 24 recite the bypass section is positioned as the proximal end section of the guide catheter, and the bypass section and the valve unit have a length greater than the distance between the distal end of the instrument and the point of exit at which the guide wire proximally emerges from the guide shaft.

Thus, even if one of ordinary skill in the art would have been motivated to combine the balloon of Cohen et al. as an instrument with the catheter of McNamara et al., such a combination would not achieve the device as presently claimed. Neither McNamara et al. nor Cohen et al. teach or suggest to extend the length of the bypass section to at least the length

between the proximal point of exit and the distal end of the instrument by integrating the bypass section into the proximal end section of the guide catheter. This makes the handling of the device (including the instrument catheter) in addition to the introduction of fluid much easier because the instrument catheter may be placed with its largest cross section up to the point of exit within the bypass section.

Applicant additionally requests consideration of the references cited in the concurrently-filed Information Disclosure Statement.

Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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